

***CONFIDENTIAL***  
**WEEKLY HOT ISSUES REPORT for RA/DRA Region 8**  
**Week ending March 3, 2017**

**OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION**

*No report*

**OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE**

*No report*

**OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE**

**UTE TRIBAL STRATEGY FOR ALERTING PUBLIC TO HIGH OZONE IN UINTA BASIN, UTAH:** Between January 29 and February 7, 2017, the Uinta Basin experienced a prolonged period of elevated ozone concentrations. Monitors measured ozone values that reached *Very Unhealthy* Air Quality Index levels (8-hour average above 105 ppb) at the Ouray monitor on February 1, 3 and 5, 2017. In response to the latest episode, staff from the Region 8 Air Program convened a call on February 21 with Minnie Grant – the Ute Air Quality Coordinator and her staff. In the discussion, Air Program staff inquired about the Tribe’s current strategy for alerting members to poor air quality events, and offered support to get these messages out more effectively in the future. Ms. Grant’s response indicated that more could be done by the tribal government to inform members in real-time of current exceedances of the ozone standard and forecasts of upcoming events. As a follow-up to the discussion, Air Program staff are working with the Tribe’s Air Program to add the Uinta Basin real-time air quality and forecasts from AirNow directly to the Ute Tribe’s website. Potential further plans include adding a forecast to the AirNow tool specific to the Tribe’s Ouray monitor – allowing more precise notifications. Further discussions with the Tribe’s Air Program will focus on how to communicate air quality alerts with tribal members and what media are most effective.

**CONTACT: Chris Dresser, 312-6385**

**OFFICE OF WATER PROTECTION**

***This Week***

**DRINKING WATER VIOLATION AT WIDFIELD WATER AND SANITATION DISTRICT:** The Colorado Department of Public Health and Environment (CDPHE) informed the Region 8 Drinking Water Program last week that the Widefield Water & Sanitation District exceeded the MCL for total trihalomethanes (or TTHM, a disinfection byproduct) this quarter. This violation requires them to send public notice to all customers, which CDPHE expects will take place in the next week or two. Given the perfluorinated compound (PFC) contamination in the area, this public notice may gain a lot of attention, including with the media. While this violation does not directly relate to the PFC contamination (there’s no relationship between the two groups of contaminants), it has been implicitly caused by the PFC issues. Widefield continues to use surface water instead of drawing water from their wells to keep levels of PFCs below the health advisories. Levels of TTHM present in the surface water increase with the long residence times needed to move that water to all parts of the Widefield system, leading to this violation. No other public water systems in this area are affected by the TTHM violation. **Contact: Sarah Bahrman, 312-6243.**

**CLEAN WATER ACT § 401 CERTIFICATIONS FOR THE 2017 CORPS OF ENGINEERS (CORPS) §404 NATIONWIDE PERMITS (NWPS):** The Aquifer and Aquatic Resource Protection Unit is developing § 401 Water Quality Certifications (certifications) for Corps 2017 NWPs that would be used for activities on Tribal Lands in Region 8. The NWPs administered by the Corps are

reauthorized every five years. EPA provides certifications for activities on Tribal lands where the tribes do not have Treatment in a Similar Manner as a State for water quality standards under the Clean Water Act. The certifications provide conditions on the NWP to protect water quality from the effects of activities covered under the NWP. The certifications are due to the Corps on **March 6, 2017**; certifications not received by March 6, 2017 are considered waived by the Corps. The certifications made by the Office of Water Protection will certify water quality for 11 of the 52 NWPs with general conditions, including a preconstruction notification requirement, and deny certification for 41 of the NWPs to allow the EPA and the Tribes to further review project impacts with a higher potential to affect water quality. Projects that qualify for the use of a NWP for which certification has been granted must notify the appropriate Tribal Environmental Program and the EPA, but may proceed without further written verification from the EPA. Projects that qualify for the use of a NWP for which certification has been denied must request an individual project certification from the EPA. Individual certification allows the EPA and the Tribes to add conditions ensuring water quality is protected. This mix of waiver, condition, and denial is very similar to previous cycles of reauthorized NWPs and is based on the Region's experience in reviewing NWPs for 401 certification on Tribal lands. The AARPU is concluding consultation with Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community and the Oglala Sioux, (tribes which responded affirmatively to Region 8's offer of consultation) and is drafting the certification letter for signature by the OWP ARA. **Contacts: Brent Truskowski 312-6235, Toney Ott 312-6909, Peter Brumm 406-457-5029.**

#### **Next Week**

**DRAFT UIC PERMITS ISSUED FOR DEWEY BURDOCK ISR SITE (UPDATE):** We expect to issue draft UIC permits and a proposed aquifer exemption decision on March 6<sup>th</sup> to Powertech USA, Inc. for a proposed uranium in-situ recovery (ISR) project northwest of Edgemont, South Dakota. There will be a 75-day public comment period, and four public outreach events (including hearings) in late April and early May near the site to allow ample opportunity for tribes and other stakeholders to comment. We will continue to encourage interested tribes to consult with us through the permitting process. Because of the tribal concerns raised and the proximity of this project to the Dakota Access Pipeline where some of the same Tribes are engaged (e.g., Standing Rock Sioux, Cheyenne River Sioux), we expect high visibility of and interest in this proposed permitting activity. Region 8's UIC program in the Office of Water Protection and the Public Affairs program are coordinating closely at various levels with OW, OGWDW, OITA, OAR, OPA and OGC. **Contacts: Sarah Bahrman, 312-6243; Douglas Minter, 312-6079; and Valois Shea, 312-6276.**

#### **OFFICE OF TECHNICAL AND MANAGEMENT SERVICES**

*No report*